

REMARKS

Claims 16-21 remain in this application. Claims 1-15 were previously canceled. Reconsideration of the application is requested.

Independent claim 16 is rejected, along with claim 17, as being anticipated by U.S. Patent 4,559,868 to Nonaka et al. Reconsideration is requested.

It is initially submitted that this rejection is based on an erroneous interpretation or understanding of the Nonaka et al. patent. disclosure. As discussed in column 4, lines 39-52 of the Nonaka et al. patent, the recess 33 identified by the Examiner is in fact a recess in the top wall portion 29 of the base panel 21. The Nonaka et al. upper panel 6, therefore, does not in fact form "a cover part having slotted recesses (33) therein" as the Examiner asserts. As noted in the Appeal Brief filed January 5, 2004, moreover, any recess which may be provided at the upper fixing portion 49 of the Nonaka et al. upper panel 6 receives nothing which fastens and, therefore, is not for receiving fastening structure as claim 16 requires.

As the Examiner acknowledges in section 3 on pages 2-3 of the Office Action, moreover, the Nonaka et al. patent does not disclose a crossmember on which a vehicle windshield is mounted. Currently amended claim 16 specifies that the cover part is "mounted on the crossmember ... [and] braced, with a recess adapted to a contour of the crossmember, against the crossmember" These limitations are not and cannot be met by the Nonaka et al. device, since,

as acknowledged by the Examiner, the Nonaka et al. patent does not even disclose a crossmember on which a vehicle windshield is mounted.

For reasons discussed above, claim 16 as it presently appears in the application is not anticipated by the Nonaka et al. patent. Newly cited U.S. Patent 5,992,876 to Gray is relied on as a secondary reference in combination with the Nonaka et al. patent to reject claim 18. The Gray patent, however, fails to suggest modifying the Nonaka et al. device so as to meet the limitations discussed above, and it is respectfully submitted that claim 16 is patentable. Claims 17 and 18, which depend on claim 16, are patentable as well.

Independent claim 19 is rejected, along with claim 20, as being unpatentable over the Nonaka et al. patent in view of newly cited U.S. Patent 5,685,598 to Inoue et al. Reconsideration is requested.

As noted above, any recess which may be provided at the upper fixing portion 49 of the Nonaka et al. upper panel 6 receives nothing which fastens and, therefore, does not form a slotted recess in the upper panel for receiving fastening structure as claim 19 requires.

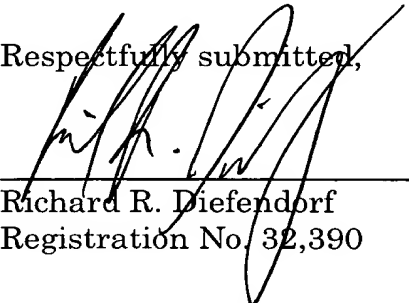
As discussed above, moreover, the Nonaka et al. patent does not disclose a crossmember on which a vehicle windshield is mounted. Currently amended claim 19 specifies mounting a cover part of a vehicle dashboard "on the crossmember, [and] bracing the cover part, with a recess adapted to a contour of the crossmember, against the crossmember" Since the Nonaka et al. patent

Application No. 09/714,456
Reply to Office Action dated September 9, 2004

does not even disclose a crossmember on which a vehicle windshield is mounted, these limitations are not and cannot be met by the Nonaka et al. device. The Inoue et al. patent fails to suggest modifying the Nonaka et al. device so as to meet these limitations. As discussed above, moreover, the Gray patent, relied on together with the Nonaka et al. and Inoue et al. patents to reject claim 21, also fails to suggest so modifying the Nonaka et al. device, and it is respectfully submitted that claim 19 is patentable. Claims 20 and 21, which depend on claim 19, are patentable as well. All of the claims now in this application, therefore, are patentable.

This application is in condition for allowance. Should the Examiner have any questions after considering this Reply, the Examiner is invited to telephone the undersigned attorney.

Date: February 8, 2005

Respectfully submitted,


Richard R. Diefendorf
Registration No. 32,390

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
RRD:msy